

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

STACY MCGUIRE, et al.

Plaintiffs,

v.

STANISLAUS COUNTY, et al.

Defendants.

No. 2:23-cv-02958-DC-AC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. Nos. 60, 61, 77)

This matter is before the court on motions to dismiss filed by Defendants Stanislaus County, Merced County, and Sheriff Vernon Warnke's.¹ (Doc. Nos. 60, 61.) On August 1, 2025, the court referred the pending motions to the United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. (Doc. No. 76.)

On August 6, 2025, the magistrate judge issued findings and recommendations recommending that the motions be granted and the case be dismissed without leave to amend. (Doc. No. 27.) The pending findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within twenty-one (21) days after

¹ As Defendant Stanislaus County accurately noted in its motion to dismiss, Defendant Sheriff Jeff Dirkse is not named in the second amended complaint. (Doc. No. 60-1 at 1 n.1.) Thus, the court will direct the Clerk of the Court to update the docket to reflect that Defendant Sheriff Jeff Dirkse was terminated as of November 8, 2024, the date Plaintiffs filed the second amended complaint. (Doc. No. 56.)

1 service. (*Id.* at 16.) On August 26, 2025, Plaintiffs filed objections to the findings and
2 recommendations.² (Doc. No. 78.) On September 4, 2025, Defendant Stanislaus County filed a
3 response to those objections. (Doc. No. 79.) On September 9, 2025, Defendants Merced County
4 and Sheriff Vernon Warnke also filed a response to the objections. (Doc. No. 80.)

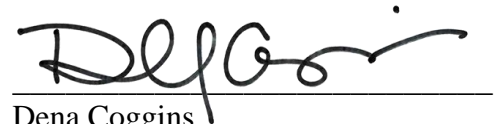
5 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this
6 court has conducted a de novo review of this case. Having carefully reviewed the entire file,
7 including Plaintiff's objections, the court finds the findings and recommendations to be supported
8 by the record and by proper analysis.

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. The findings and recommendations issued on August 6, 2025 (Doc. No. 77) are
11 ADOPTED in full;
- 12 2. Defendants Stanislaus County, Merced County, and Sheriff Vernon Warnke's motions
13 to dismiss (Doc. Nos. 60, 61) are GRANTED;
- 14 3. Plaintiffs' second amended complaint (Doc. No. 56) is dismissed without leave to
15 amend;
- 16 4. The Clerk of the Court is directed to update the docket to reflect that Defendant
17 Sheriff Jeff Dirkse was terminated as of November 8, 2024, the date Plaintiffs filed the
18 second amended complaint; and
- 19 5. The Clerk of the Court is directed to close this case.

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21 IT IS SO ORDERED.

22 Dated: September 30, 2025


Dena Coggins
United States District Judge

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27 ² Plaintiffs' objections to the findings and recommendations are only signed by Plaintiff Stacy
28 McGuire's attorney. (Doc. No. 78 at 26.) Despite the lack of a signature from Plaintiff Benjamin
McGuire, Sr.'s attorney, the court construes the filing as objections from both Plaintiffs.